IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 1591 of 1999
in
SPECIAL CIVIL APPLICATIONNo 6046 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE B.J.SHETHNA
and
Hon'ble MR.JUSTICE A.L.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

RENUKABEN WD/O NAGINDAS PATEL

Versus

MANAGER

Appearance:

1. LETTERS PATENT APPEAL No. 1591 of 1999
MR SHANTILAL M PATEL for Appellant No.
MR SV RAJU for Respondent No. 1
RULE SERVED for Respondent No. 2

CORAM : MR.JUSTICE B.J.SHETHNA
and
MR.JUSTICE A.L.DAVE

Date of decision: 17/04/2003

ORAL JUDGEMENT

(Per : MR.JUSTICE B.J.SHETHNA)

#. The appellant-petitioner has filed this Letters Patent Appeal against the order dated 21.10.1999 passed by the learned Single Judge of this court dismissing her Special Civil Application No.6046/99 in limine.

#. Shri Nagindas B. Patel, husband of the appellant-petitioner was working as Cashier with the respondent-bank in Saraspur branch since 1967. While on duty he died leaving behind him his widow-present appellant, his two minor sons, one minor daughter and another daughter-Jashumati, aged 18 years. As per the policy of the bank to provide compassionate appointment, the appellant-petitioner applied for the appointment on compassionate ground with the respondent-bank in 1997. However, her application was rejected by an order dated 11.8.1998 (Annexure-D to the petition), therefore, she had approached the Assistant Labour Commissioner (Central), Ahmedabad, who refused to entertain her complaint and advised her to avail alternative remedy by his letter dated 26.4.1999 (Annexure-E to the petition). Therefore, she had filed Special Civil Application No.6046/99, which was dismissed in limine at the admission stage by the learned Single Judge of this court on 21.10.1999. Hence, this Letters Patent Appeal.

#. The appellant had initially filed this appeal through his advocate, but we have been told that now she is appearing as party in person. Today, when the matter was called out she was not present. However, learned counsel Shri Raju appearing for the respondent bank was present.

#. Having heard learned counsel Shri Raju for respondent bank and having perused the impugned order at Annexure-D it is clear to us that the impugned order at Annexure-D is not a speaking order. Unfortunately, this was not considered by the learned Single Judge, who dismissed the petition of the appellant-petitioner without assigning sufficient reasons.

#. In view of the above discussion, this appeal is allowed and the order dated 21.10.1999 passed by the learned Single Judge of this court dismissing the Special Civil Application No.6046/99 is hereby quashed and set aside and writ petition i.e. Special Civil Application No.6046/99 is accepted by quashing and setting aside the

impugned order at Annexure-D. The respondent bank is directed to reconsider its decision and pass brief reasoned order on the application of the appellant-petitioner seeking compassionate appointment. Mr.Raju, learned counsel for the respondent bank stated that the respondent bank shall reconsider its decision and pass reasoned order within 8 weeks from today after extending opportunity of hearing to the appellant-bank.

#. Accordingly, this appeal is allowed with no order as to costs. Copy of this order be made available to Mr.Raju, learned counsel for the respondent bank, forthwith.

(B.J.Shethna, J.)

(A.L.Dave, J.)
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